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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Promoting the wise use of land
Helping build great communities

PLANNING COMMISSION

MEETING DATE July 14, 2005	CONTACT/PHONE Mike Wulkan (805) 781-5608	APPLICANT County of San Luis Obispo	FILE NO. G020004N
SUBJECT Request by the County of San Luis Obispo to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas (coastal zone boundary) on the south and southwest.			
RECOMMENDED ACTION Recommend to the Board of Supervisors: 1. Adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approval of this Land Use Ordinance amendment as shown in the attached Exhibit G020004N:A, based on the recommended findings contained in this report.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 2, 2005 for this project.			
LAND USE CATEGORY Agriculture, Rural Lands, Recreation, Open Space	COMBINING DESIGNATIONS Geologic Study Area, Flood hazard, Sensitive Resource Area, Energy or Extractive Area	ASSESSOR PARCEL NUMBER N/A	SUPERVISOR DISTRICT(S) 2, 1
PLANNING AREA STANDARDS: Section 22.92.020 - Areawide standard B: Road Design and Construction Section 22.92.030 - Combining Designations - Geologic Study Area			
EXISTING USES: Undeveloped, agricultural uses, scattered residences, tank farm			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture, Rural Lands/undeveloped, agricultural uses, scattered residences <i>East:</i> Agriculture, Rural Lands, Open Space/undeveloped, agricultural uses, scattered residences <i>South:</i> Agriculture, Rural Lands/undeveloped, scattered residences, Cayucos, City of Morro Bay <i>West:</i> Agriculture/ undeveloped, agricultural uses, scattered residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Cayucos Citizens Advisory Council, Agricultural Liaison Board, Public Works, Agricultural Commissioner, CDF/County Fire, Caltrans, County Farm Bureau, and the California Coastal Commission.

TOPOGRAPHY:

Gently sloping to steeply sloping, including ridgetops and narrow valleys

VEGETATION:

Grassland, coastal scrub, chaparral, coast live oak woodland, foothill woodland, riparian

PROPOSED SERVICES:

Water supply: On-site wells
Sewage Disposal: Individual septic systems
Fire Protection: County Fire/CDF

AUTHORIZATION DATE:

August 13, 2002

PROJECT BACKGROUND

This proposal is a county-initiated amendment to the Land Use Ordinance that would establish development standards to protect scenic views in a portion of the Adelaida Planning Area in the vicinity of Cayucos. The amendment was authorized for processing by the Board of Supervisors on August 13, 2002, with support from the Cayucos Citizens Advisory Council and some landowners.

This proposed amendment implements a proposed program in the Board of Supervisors-approved Estero Area Plan update (not yet in effect). Program A2(a) for the Adelaida Planning Area calls for the county to process amendments to establish a new Sensitive Resource Area combining or similar designation, together with standards to protect the viewshed as seen from Highway 1 in the Adelaida Planning Area in the vicinity of Cayucos.

Amendments to the Coastal Zone Land Use Ordinance that are proposed in connection with the Estero Area Plan update already include standards to protect views inland of the Highway *within the coastal zone*. Those standards would apply to a proposed "Highway 1-Cayucos Critical Viewshed" that covers areas inland of and generally visible from Highway 1, between the highway and the first prominent ridgeline or ridgetop approximately between Villa Creek and the first ridgeline northerly of Highway 41.

PROJECT DESCRIPTION

This amendment (see attached Exhibit A) establishes two "critical viewsheds" in the Adelaida Planning Area, accompanied by development standards to protect views from the coast and area roads. The "Highway 1 Critical Viewshed" covers areas that are generally visible from Highway 1 and vicinity, outside of the coastal zone and within one mile of the highway, approximately between Villa Creek and the first ridgeline northerly of Highway 41. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views along the coast. Within the "Highway 1 Critical Viewshed," proposed standards protect visual resources in the Adelaida Planning Area by applying standards similar to those proposed in the Estero Area Plan Update for the "Highway 1-Cayucos Critical Viewshed." Under these standards, proposed, typical residential structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards are met. The basic standards prohibit silhouetting of structures against the sky as viewed from Highway 1 or public beaches, and require 80 percent landscape screening of structures as seen from those locations. If those standards cannot be met, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative measures to meet the intent of the Plot Plan standards. Those measures include

minimizing site disturbance, locating development in the least visible portion of the site, and permanently preserving an appropriate amount of open space on areas not intended for development. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

The other viewshed proposed by this amendment is the “Cayucos Fringe Critical Viewshed.” It covers areas in the Adelaida Planning Area that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize those areas offer scenic views that help define the rural character of this area. Within the areas seen from the specified rural roads, proposed standards protect visual resources through standards that are similar to but not as comprehensive as the standards for the previously described “Highway 1 Critical Viewshed.” Under these standards, proposed, typical residential structures, commercial structures, and certain other development are subject to the Plot Plan approval--the lowest level of a land use permit that is not discretionary--if structures are not silhouetted against the sky as viewed from specified county-maintained roads. Otherwise, a Minor Use Permit is needed to implement specified design and landscaping measures to reduce visual impacts. As with the preceding, proposed standards for the “Highway 1 Critical Viewshed,” these standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

AUTHORITY

The Land Use Element, in *Framework for Planning (Inland)*, sets forth the authority by which the Land Use Ordinance can be amended. The following factors shall be considered pursuant to the Land Use Element:

Guidelines for Amendments to Land Use Ordinance

The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goals of the Land Use Element that are stated in Chapter 1.

Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

1. *All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:*
 - a. *To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;*
 - b. *To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;*
 - c. *To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.*
2. *Designs for proposed residential uses should include:*
 - a. *Provisions for privacy and usable open space;*
 - b. *Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.*

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3. *All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.*

The proposed amendment meets the guidelines as set forth in the Land Use Element for ordinance amendments, because the proposed standards help assure that development will be designed with maximum consideration of the visual impacts of project sites from the coast and public roads. The standards accomplish that by avoiding special site constraints--ridgelines and ridgetops upon which development would silhouette against the sky--while allowing alternatives in cases where compliance with the standards is not feasible or more environmentally damaging; for example, with respect to other site constraints such as natural terrain and significant vegetation. As a result, the proposed amendment will promote development that is compatible with existing and potential adjacent land uses within the context of the area's rural character.

ADVISORY GROUP COMMENTS

This proposed amendment was referred to the Cayucos Citizens Advisory Council (CCAC). At its May 4 meeting, the CCAC recommended approval of the proposed amendment, provided that language is deleted that exempts from the standards agricultural and agricultural accessory structures that are greater than 1,000 square feet in area (see attached Exhibit C: letter from E. J. Carnegie dated May 8, 2005).

This proposed amendment was also referred to the Agricultural Liaison Board for review. At a meeting on May 23, the Agricultural Liaison Board unanimously recommended approval of the amendment as proposed.

AGENCY REVIEW

This proposed amendment was referred to the following county departments and other agencies: Public Works, Agriculture Department, CDF/County Fire, Caltrans, Farm Bureau, and the California Coastal Commission. The only comments received were from the Agriculture Department (see the two memos from Lynda L. Auchinachie dated February 27, 2004 and March 17, 2005 in Exhibit C). In its memos, the Agriculture Department recommends that agricultural structures of 1,000 square feet and smaller be exempted from the proposed standards. In addition, in order to be consistent with the *Agriculture and Open Space Element* of the County General Plan, the Agriculture Department recommends, in effect, that proposed agricultural structures that are currently exempt from land use permit requirements continue to be exempt. Both of those recommendations are reflected in the proposed amendment that is shown in Exhibit A.

STAFF COMMENTS

The CCAC recommends deleting language from the proposed standards that exempts agricultural and agricultural accessory structures that are greater than 1,000 square feet in area. The intent of this recommendation was apparently to make all agricultural structures subject to the standards. This could be a burden for the variety of production agricultural uses in the area, and would be counter to the recommendations of the Agriculture Department. Furthermore, most agricultural and agricultural accessory structures are currently exempt from land use permit requirements, and are considered ministerial projects (they do not require discretionary review). In order to be consistent with the *Agriculture and Open Space Element* of the County General Plan--the first goal of which is to not require permits for improvements that are currently exempt, and to keep permit levels at the lowest level possible, consistent with protection of agricultural resources and sensitive habitats--the proposed standards exempt agricultural structures that are normally considered ministerial projects.

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Attachments

Exhibit G020004N:A

Exhibit B:

Exhibit C:

Ordinance Amendment

Negative Declaration and Notice of Determination

Correspondence

Letter from Cayucos Citizens Advisory Council

Memos from Agriculture Department

Staff report prepared by Mike Wulkan and
reviewed by Kami Griffin

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FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 2, 2005 for this project.

Ordinance Amendment

- B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan. The proposed amendment is consistent with the Land Use Element, because it will not result in changes to land use categories or allowable uses, and will help maintain the rural character of agricultural and rural areas between communities. The proposed amendment is consistent with the *Agriculture and Open Space Element* of the County General Plan, because it does not require land use permits for agricultural structures that are currently exempt, and it keeps permit levels for agricultural structures at the lowest level possible, consistent with protection of agricultural resources and sensitive habitats.
- C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance, as set forth in the Land Use Element, *Framework for Planning (Inland)*, because the proposed ordinance standards help assure that development will be designed with maximum consideration of the visual impacts of project sites from the coast and public roads, and promote development that is compatible with existing and potential adjacent land uses within the context of the area's rural character.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding rural and agricultural area.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CRITICAL VIEWSHEDS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by **adding new subsection C** to read as follows:

C. **Highway 1 Critical Viewshed.** The following standards apply within the Highway 1 Critical Viewshed (see Figure 92-1). This Critical Viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, public beaches and the ocean.

1. **Purpose.** This Critical Viewshed covers areas that are generally visible from Highway 1 and vicinity within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this Critical Viewshed is to protect scenic views that help define the rural character of this area.

Every year, many thousands of people visit or pass through the scenic coastal area of Cayucos, especially by driving along this stretch of Highway 1, a State Scenic Highway and National Scenic Byway. Many of those visitors are tourists who make a significant contribution to the local economy. Protection of the scenic views east of the highway will help maintain the area's rural character that both residents and tourists appreciate, and that helps make this area a desirable place to live and visit.

2. **Applicability.** The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; communications facilities; and residential access roads that are required by the Land Use Ordinance to have a land use permit.

3. **Permit Requirement.** Plot Plan permit approval, except as follows:

- a. **Project not visible.** An exemption from Subsections C4a and b may be granted if documentation is provided demonstrating that the proposed structures will not be visible from Highway 1 or public beaches. Such documentation shall at minimum provide topographic and building elevations with preliminary grading and building plans.
- b. **Project not consistent with Plot Plan requirements.** If the Plot Plan application cannot be found consistent with Subsections C4a and b, the application may be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall comply with Subsections C5a through f.

- c. **Other land use permit required by the Land Use Ordinance.** Projects for which the Land Use Ordinance otherwise requires a Minor Use Permit or a Conditional Use Permit shall be subject to such land use permit requirements, and shall comply with Subsections C5a through f.
- 4. **Plot Plan Requirements.** A landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with Subsections C4a and b.
 - a. **Ridgetop Development.** Structures shall not be located so as to be silhouetted against the sky as viewed from Highway 1 or public beaches.
 - b. **Landscaping.** A landscaping plan shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from Highway 1 or public beaches using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.
- 5. **Discretionary Permit Requirements.** Minor Use Permit and Conditional Use Permit applications and proposed land divisions shall include a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the intent of Subsections C4a and C4b and the following standards:
 - a. **Exemptions from standards.** An exemption from Subsections C4a and b and Subsections C5c, d, e, and f may be granted if documentation is provided demonstrating that the proposed structures and access roads will not be visible from Highway 1 or public beaches. Such documentation shall at a minimum provide topographic and building elevations with preliminary grading and building plans.
 - b. **Site disturbance.** Minimize vegetation removal, landform alterations and grading of cut and fill slopes, especially where visible from Highway 1 and public beaches. Graded areas shall blend in with adjacent terrain to achieve a natural appearance.
 - c. **Location of development.** Locate development, including accessory structures, water tanks and access roads, in the least visible portion of the site as viewed from Highway 1 and public beaches, consistent with protection of other resources. Visible or partially visible development locations shall only be considered if no non-visible development locations are identified, or if such locations would be more environmentally damaging. Visible or partially visible development locations may be approved where visual effects are reduced to an insignificant level, as determined by the review authority. Use topographic features first and vegetation second to screen development from public view.
 - d. **Building Visibility for Ridgetop and Other Development.** Where compliance with Subsection C4a is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the structures shall comply with the following. Other structures in visible locations shall also comply with the following.

- (1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.
 - (2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment.
- e. **Screening.** Alternatives to the screening required by preceding standard C4b may be approved if visual effects are otherwise reduced to an insignificant level through use of topographic features or design of structures.
- f. **Land divisions.**
- (1) **Slope limitation.** Access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.
 - (2) **Cluster requirement.** Land divisions and their building sites shall be clustered in accordance with Chapter 22.22 or otherwise concentrated in order to comply with preceding standards C5b and C5c.

This amendment extends the visual resource protections as seen from the coast in the vicinity of Cayucos--as proposed in the Estero Area Plan Update--to the portion of the Critical Viewshed from the Highway 1 and the coast that is in the Adelaida Planning Area. Although in a different Planning Area, the upper part of the viewshed from the coast contains ridgetops and steep hillsides that contribute greatly to the scenic backdrop and that should receive the same level of protection as the lower part of the viewshed. The proposed visual standards for the Adelaida Planning Area are similar to the proposed standards for the Highway 1 Critical Viewshed. Under this amendment, proposed residential and residential accessory structures, commercial structures,, and certain other development is subject to the Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards can be met regarding certain ridgetop development and landscape screening. Otherwise, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative methods to meet the intent of the Plot Plan standards. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

SECTION 2: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by **adding new subsection D** to read as follows:

D. Cayucos Fringe Critical Viewshed. The following standards apply within the Cayucos Fringe Critical Viewshed (see Figure 92-2). This Critical Viewshed is established to protect a resource of public importance: views of this scenic area as seen from the public roads within this area.

This Critical Viewshed covers areas that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize this area offer scenic views that help define the rural character of this area.

1. **Slope limitation - land divisions.** Access roads and building sites within proposed land divisions shall be located on slopes less than 20 percent.
2. **Special Development Standards.** The following standards apply to the following uses and activities: residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures that are greater than 1,000 square feet in area, and that, notwithstanding the standards of this section, normally require discretionary approval; commercial structures; pipelines and transmission lines; public utility facilities; and communications facilities.

- a. **Application Content.** The application submittal shall include documentation necessary to demonstrate whether or not proposed structures will be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D.
- b. **Ridgetop Development.** Structures shall not be located so as to be silhouetted against the sky as viewed from any of the county-maintained roads listed in Subsection D. Where compliance with this standard is infeasible or if all feasible alternatives are more environmentally damaging or more visually obtrusive, the application may be converted to a Minor Use Permit application (if a Minor Use Permit or Conditional Use Permit is not otherwise required) after the applicant pays the difference in application fees. The Minor Use Permit or Conditional Use Permit shall be accompanied by a landscaping plan and a visual analysis that is prepared by a licensed architect, a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building. The landscaping plan and visual analysis shall be used to determine compliance with the following standards:
 - (1) Minimize building height and mass by using low-profile design that may include partially sinking structures below grade.
 - (2) Minimize the visibility of structures, including water tanks, by using subdued or darker colors that blend with colors of the surrounding environment.
 - (3) The required landscaping plan and visual analysis shall demonstrate that there will be at least 80 percent screening of structures at plant maturity as seen from any of the county-maintained roads listed in Subsection D using native or drought-tolerant vegetation (no invasive species), but without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). Maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Provisions shall be made to maintain and guarantee the survival of required landscape screening for a period of at least five years.

This amendment establishes standards to protect visual resources in areas that are seen from various rural roads in an area roughly corresponding to the "Cayucos Fringe." The "Cayucos Fringe" is a large area that includes the watersheds above Cayucos, where hilly and steep terrain, ridgelines and ridgetops, and narrow valleys offer scenic views that help define the rural character of this area. The visual standards for this area are similar to, but not as comprehensive as the standards for the Highway 1 Critical Viewshed described in preceding Section 1. Under this amendment, proposed residential and residential accessory structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if the structures are not silhouetted against the sky as viewed from specified county-maintained roads. Otherwise, a Minor Use Permit (or a Conditional Use Permit, if that is already required) is needed to implement certain design and landscaping measures to reduce visual impacts. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

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SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2005, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2005, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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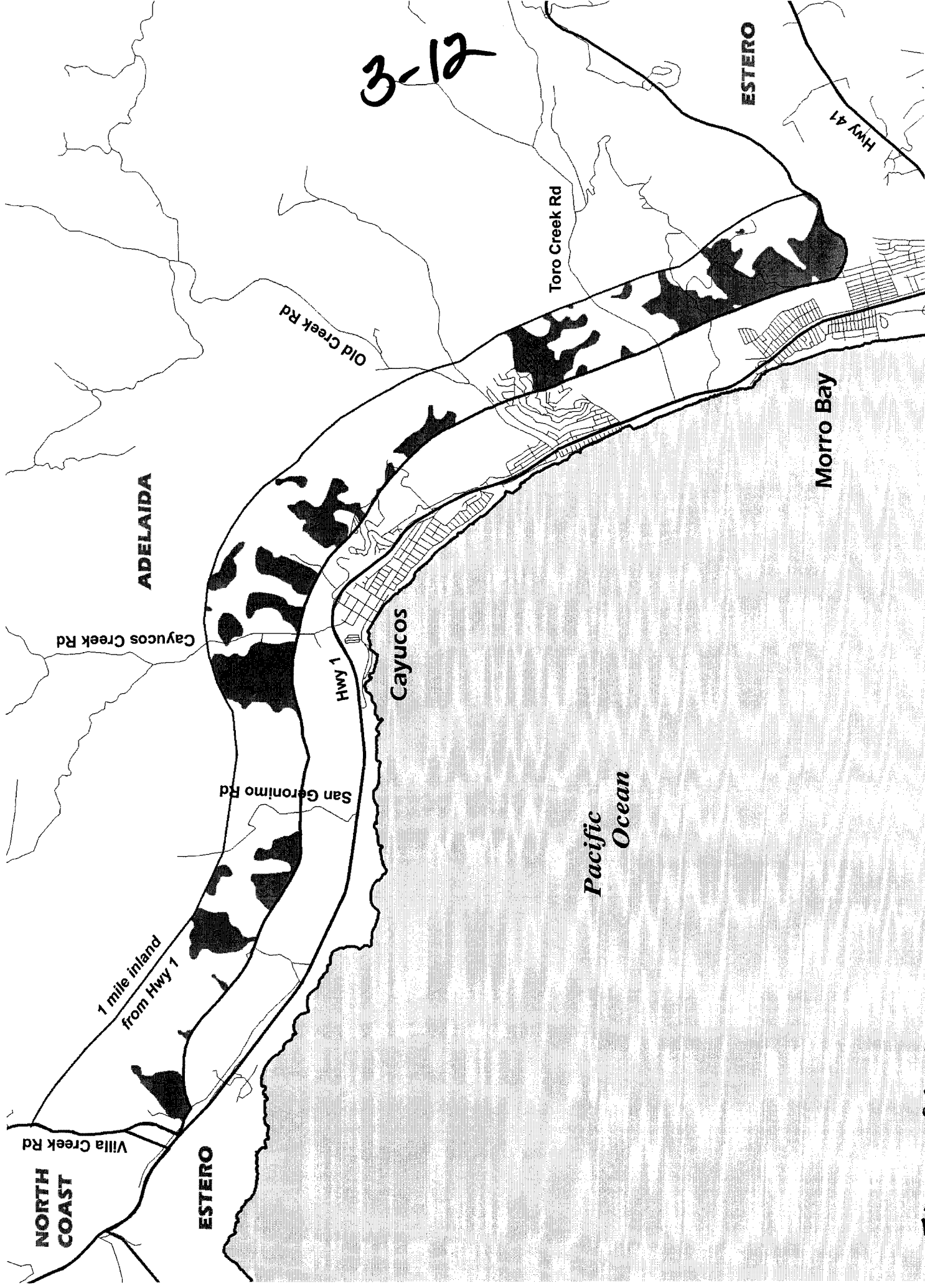


Figure 92-1

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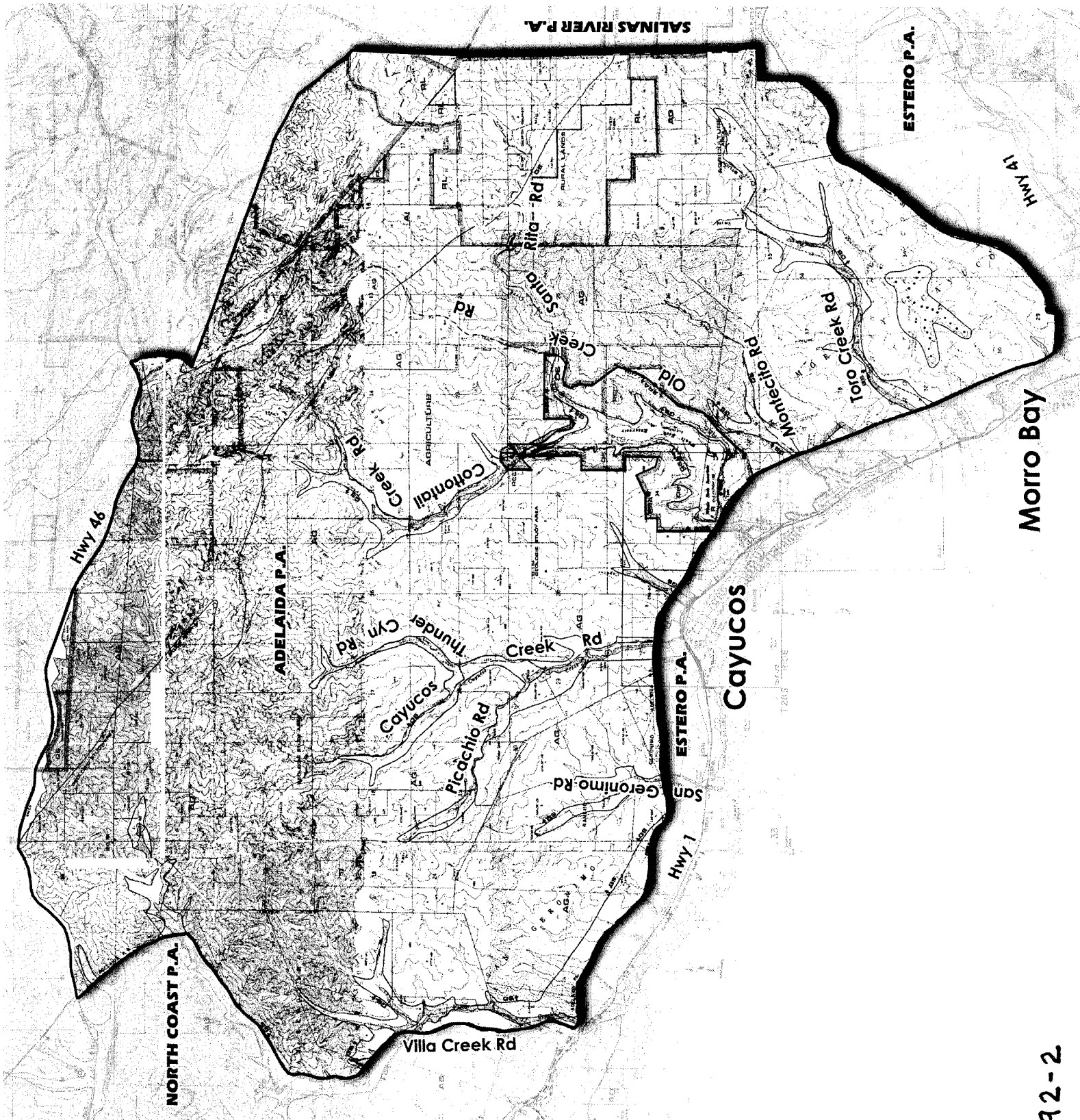


Figure 92-2

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EXHIBIT B: NEGATIVE DECLARATION AND NOTICE OF DETERMINATION



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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (mw)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED04-411

DATE: 6/2/05

PROJECT/ENTITLEMENT: County Land Use Ordinance Amendment (Adelaida visual standards),
G020004N

APPLICANT NAME: County of San Luis Obispo

ADDRESS: County Government Center, San Luis Obispo, CA 93408

CONTACT PERSON: Same as applicant

Telephone: 781-5600

PROPOSED USES/INTENT: Request to amend Article 9 (Title 22 of the County Code Section 22.92.020) – Areawide Standards, Adelaida Planning Area – of the County Land Use Ordinance. The proposed amendment establishes “critical viewsheds” for Highway 1 and other public vantages that affect portions of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new developments through measures such as limiting ridgetop development, screening and development in the least visible locations, and in new land divisions, clustering development on less steep slopes.

LOCATION: The proposed project is within the Agriculture, Rural Lands, Recreation and Open Space land use categories, and is located in the Adelaida Planning Area, generally between Villa Creek Road to the northwest; and Del Mar Park (Morro Bay) to the south, extending easterly approximately one mile from Highway 1.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY “REQUEST FOR REVIEW” PERIOD ENDS AT5 p.m. on June 16, 2005

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County Board of Supervisors _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. County of San Luis Obispo Land Use Ordinance Amendment, ED 04-411, G020004N

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☒ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Mike Wulkan
Prepared by (Print)

Mike Wulkan
Signature

4-15-05
Date

Steven McMasker
Reviewed by (Print)

Steven McMasker
Signature

Ellen Carroll,
Environmental Coordinator (for)

4/20/05
Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by the County of San Luis Obispo to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest.

ASSESSOR PARCEL NUMBER(S): N/A

SUPERVISORIAL DISTRICT # 2, 1

B. EXISTING SETTING

PLANNING AREA: Adelaida, Rural

LAND USE CATEGORY: Agriculture, Rural Lands, Recreation, Open Space

COMBINING DESIGNATION(S): Geologic Study, Flood Hazard, Sensitive Resource Area
, Energy Extractive Area

EXISTING USES: Undeveloped , agricultural uses , scattered residences, tank farm

TOPOGRAPHY: Gently sloping to steeply sloping, including ridgetops and narrow valleys

VEGETATION: Grasses

PARCEL SIZE: over 38,000 acres

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SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture, Rural Lands; undeveloped, agricultural uses, scattered residences	<i>East:</i> Agriculture, Rural Lands, Open Space; undeveloped, agricultural uses, scattered residences
<i>South:</i> Agriculture, Rural Lands; undeveloped, scattered residences, Cayucos, City of Morro Bay ,	<i>West:</i> Agriculture; undeveloped , agricultural uses, scattered residences

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The coastal area of San Luis Obispo County is known throughout the state and nation for its beauty and diversity. The scenic and visual qualities of this area are a resource of public importance, as evidenced by designations along Highway 1 (from Highland Drive in San Luis Obispo to the northern county line) of a State Scenic Highway and more recently, the National Scenic Byway Program's "All American Road" designation.

Two "critical viewsheds" are proposed. The Highway 1 Critical Viewshed" covers areas that are generally visible from Highway 1 and vicinity within one mile of the highway, approximately between Toro Creek Road and Villa Creek. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the coastline. The "Cayucos Fringe Critical Viewshed" covers areas that are generally visible from the following county-maintained roads: Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, and Toro Creek Road. The hilly and steep terrain, ridgelines and ridgetops, and narrow valleys that characterize this area offer scenic views that help define the rural character of this area.

3-19

Impact. This amendment establishes standards to protect visual resources as seen from the coast in the vicinity of Cayucos by applying standards similar to those proposed in the Estero Area Plan Update to the inland portion of the "Highway 1 Critical Viewshed" that is in the Adelaida Planning Area. This upper part of the viewshed from Highway 1 contains ridgetops and steep hillsides that contribute greatly to the scenic backdrop. Under these standards, proposed typical residential structures, commercial structures, and certain other development are subject to Plot Plan approval--the lowest level of a land use permit that is not discretionary--if basic standards can be met. The basic standards prohibit silhouetting of structures against the sky as viewed from Highway 1 or public beaches, and require 80 percent landscape screening of structures as seen from those locations. If those standards cannot be met, or if a higher level of land use permit is required for another reason, more detailed standards are required that allow alternative measures to meet the intent of the Plot Plan standards. Those measures include minimizing site disturbance, locating development in the least visible portion of the site, and permanently preserving an appropriate amount of open space on areas not intended for development. The visual standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

This amendment also establishes standards to protect visual resources in areas that are seen from various rural roads in the "Cayucos Fringe." The "Cayucos Fringe" is a large area that includes the watersheds above Cayucos, where hilly and steep terrain, ridgelines and ridgetops, and narrow valleys offer scenic views that help define the rural character of this area. The visual standards for this area are similar to but not as comprehensive as the standards for the proposed "Highway 1 Critical Viewshed" described above. Under these standards, proposed typical residential structures, commercial structures, and certain other development are subject to the Plot Plan approval--the lowest level of a land use permit that is not discretionary--if structures are not silhouetted against the sky as viewed from specified county-maintained roads. Otherwise, a Minor Use Permit is needed to implement specified design and landscaping measures to reduce visual impacts. As with the preceding, proposed standards for the "Highway 1 Critical Viewshed," these standards apply to agricultural and agricultural accessory structures only if they are larger than 1,000 square feet and normally require discretionary approval.

The proposed amendment strives to preserve the unique character of these areas and strengthen protection of public viewsheds. Therefore, there will not be any significant impacts.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.20

Setting. Close to 90 percent of the area affected by this amendment is in the Agriculture land use category. Existing uses in this generally hilly area consist primarily of scattered residences and agricultural uses--primarily grazing, avocado and citrus orchards.

As described in the NRCS Soil Survey, soil classes range primarily from Class "II" in the alluvial valley bottoms to Classes VII and VIII on the very steep, rocky outcrops.

Impact. The proposed visual standards do not apply to most agricultural activities; for example, crop production and grazing, agricultural roads, agricultural structures that require ministerial approval (or are exempt) or are 1,000 square feet and smaller. Those agricultural structures that are subject to the standards need to be located so that they do not silhouette against the sky as seen from Highway 1 or public beaches. In addition, extensive landscape screening needs to be provided to screen structures from Highway 1 or public beaches. If it is infeasible to meet those standards, alternatives are available through the discretionary land use permit. Given the large average parcel size in the area, it should be possible to locate most agricultural structures to meet these standards. Water tanks and windmills, for example, might require ridgetop locations in some cases, but would most likely be exempt from the standards due to size and lack of a discretionary permit requirement. The Agricultural Commissioner (comments attached) recommends that the proposed standards do not apply to agricultural structures that require ministerial approval (or are exempt) or to those that are 1,000 square feet and smaller. Those recommendations have been incorporated into the proposed standards. In addition, for discretionary projects within the proposed Highway 1 Critical Viewshed, this amendment requires permanent preservation of an appropriate amount of open space on areas not intended for development, which could potentially result in protection of agricultural resources on the site. For all those reasons, no significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3-21

Setting. The Air Pollution Control District has developed the CEQA Air Quality Handbook to evaluate project-specific impacts and to help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. The proposed amendment to establish visual standards for new development will not affect development potential, and will not result in the disturbance of material or generation additional vehicle trips. When future development occurs, there will be operational emissions and short-term construction emissions. Those potential emissions will be determined at the time specific development is proposed. At such time, the APCD CEQA Air Quality Handbook will be used to help determine potential impacts and appropriate mitigation measures. Therefore, no significant air quality impacts are expected to occur.

Mitigation/Conclusion. At the time of proposed development, standard construction mitigation measures for air quality would be required as needed. No mitigation measures are necessary to implement this amendment.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Several plant communities are found in the area affected by this amendment, including open grassland and coastal scrub closer to the coast, and combinations of chaparral, coast live oak woodland, foothill woodland, and grasslands at higher elevations further inland. Riparian habitats occur in the upper portions of certain watercourses such as Villa, Cayucos, Little Cayucos, and Cottontail Creeks.

3.22

Special-status plants species could occur within the area affected by this amendment, such as Dudleya, Jones' layia, Carmel Valley bush mallow, and Most beautiful jewel flower. Several special-status animal species could potentially occur: in the riparian areas, California red-legged frog, southwestern pond turtle, steelhead, and nesting Cooper's hawk, and in the grasslands, woodlands, and coastal scrub habitat, burrowing owl, American badger, and various raptors.

Impact. The proposed amendment could potentially affect biological resources to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that are potentially biologically sensitive. However, the proposed amendment includes exceptions to the prohibition on silhouetting of structures when alternative locations are more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the biological significance of alternative development locations could be evaluated, any necessary mitigation measures required, and measures to reduce the visibility of development applied. In addition, for discretionary projects within the proposed Highway 1 Critical Viewshed, this amendment requires permanent preservation of an appropriate amount of open space on areas not intended for development, which could potentially result in protection of biological resources on the site. Therefore, this amendment will not result in any significant impacts on biological resources.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The area affected by this amendment has historically been occupied by the Chumash and Salinan Native Americans. Much of the area has not been examined for archaeological resources, historic structures or paleontological resources, but they could potentially occur. Archaeological resources are more likely to occur near watercourses, and some archaeological resources have been identified in the area by site-specific reports.

Impact. The proposed amendment could potentially affect cultural resources--primarily archaeological resources--to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that are potentially culturally sensitive. This situation would be more likely when alternative development locations are in proximity to watercourses. However, the proposed amendment includes exceptions to the prohibition on visible ridgetop development when alternative locations are more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the cultural significance of alternative development locations could be evaluated, any necessary mitigation measures required, and measures to reduce the visibility of development applied. In addition, for discretionary projects within the proposed Highway 1 Critical Viewshed, this amendment requires permanent preservation of an appropriate amount of open space on areas not intended for development, which could potentially result in protection of cultural resources on the site. Therefore, this amendment will not result in any significant impacts on cultural resources.

3.23

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary

6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the area affected by the proposed amendment ranges from nearly level to very steeply sloping. Most of the area is within the Geologic Study Area combining designation. The landslide risk potential ranges from low to very high. The liquefaction potential during a ground-shaking event ranges from low in most of the area to high in and around certain creeks. Potentially active faulting has been identified within the area. The project is within a known area containing serpentine or ultramafic rock or soils.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per LUO section 22.14.070 (c) to evaluate the area's geological stability relating to the proposed use.

DRAINAGE – The project area contains several major drainage systems and a number of smaller tributaries to these drainages; the creeks generally originate in the Santa Lucia Range and flow west, discharging into the Pacific Ocean. The area affected by the proposed amendment includes several portions of creeks within the 100-year Flood Hazard designation, such as the upper reaches of Villa, Cayucos, Little Cayucos, and Cottontail Creeks. In addition, parts of the eastern bank of Whale Rock Reservoir are subject to flooding associated with 100-year storage in the reservoir.

For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION - The soil types are variable, ranging from alluvial soils in valley bottoms to rocky outcrops on steeply sloping terrain.

As described in the NRCS Soil Survey, soil surfaces are variable, with most soils ranging from moderate to high erodibility, and moderate to high shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

Impact. The proposed amendment could potentially affect geology, drainage and sedimentation/erosion to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that have potentially greater concerns regarding geology, drainage and sedimentation/erosion. However, the proposed amendment includes exceptions to the prohibition on visible ridgetop development when alternative locations are more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the potential impacts of alternative development locations could be evaluated, any necessary mitigation measures required, and measures to reduce the visibility of development applied. Therefore, this amendment will not result in any significant impacts on geology and soils.

Mitigation/Conclusion. There is no evidence that measures above what will already be required by ordinance or codes are needed.

3-25

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The area affected by the proposed amendment is not located in an area of known hazardous material contamination, but on individual properties; for example; the former Chevron oil tank farm, contamination could be a concern. The project area includes areas within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The proposed visual standards do not propose or affect the use of hazardous materials. The visual standards do not affect or present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3.26

Setting. The area affected by the proposed amendment is not within close proximity to loud noise sources. Noise conflicts with sensitive noise receptors (e.g., residences) are not expected to occur.

Impact. The proposed visual standards do not relate to noise concerns, and will not generate loud noise, expose additional areas to significant stationary or transportation-related noise sources, or result in conflicts with surrounding uses. Therefore, no significant noise impacts are expected to occur.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Impact. The proposed visual standards will affect the location and design of proposed development on particular parcels, but will not affect development potential. Therefore, this amendment will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

3-27

10. PUBLIC SERVICES/UTILITIES -
*Will the project have an effect upon,
 or result in the need for new or
 altered public services in any of the
 following areas:*

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection (e.g., Sheriff, CHP)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Solid Wastes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other: _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting. The area affected by the proposed amendment is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station is located in Cayucos. The closest Sheriff substation is in Los Osos. The area of the proposed amendment is located in the Cayucos Elementary, San Luis Coastal, Templeton Unified, and Coast Unified School Districts.

Impact. The proposed visual standards will affect the location and design of proposed development on particular parcels, but will not affect the types or density of land uses. No additional development will result from this proposed amendment. The direct and cumulative impacts of future development will be within the scope of the general assumptions of allowable uses within the project area that were used to estimate the fees in place. Therefore, the amendment will not result in significant impacts to utilities or public services.

Mitigation/Conclusion. The proposed amendment will not result in additional development potential, and therefore will not result in significant impacts to utilities or public services. For future development, public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address direct and cumulative impacts, and will reduce those impacts to less than significant levels.

11. RECREATION - Will the project:

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increase the use or demand for parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Affect the access to trails, parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Other _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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Setting. The *County Trails Plan* shows two potential trails within the area affected by this amendment: a trail from Templeton to Whale Rock Reservoir, and a trail around Whale Rock Reservoir. Proposed development within the area affected by the proposed amendment is not likely to affect those potential trails, which would be primarily located either along the Santa Rita Road right-of-way--a County road--or on publicly owned property. In addition, proposed development within the project area will not affect any park or other recreational resource.

For proposed land divisions within the area affected by this amendment, prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed visual standards will not result in additional development potential, and therefore will not create a significant need for additional park or recreational resources. The proposed standards will not affect existing or planned trails, parks or other recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Setting. Future development within the area affected by the proposed amendment will access onto the following public road(s): Villa Creek Road, San Geronimo Road, Picachio Road, Cayucos Creek Road, Thunder Canyon Road, Cottontail Creek Road, Old Creek Road, Montecito Road, Santa Rita Road, Toro Creek Road, and Highway 46. All of preceding roads are considered local roads, except for Old Creek and Santa Rita Roads, which are collector roads, and Highway 46, an arterial road. Except for Highway 46, the preceding roads are rural roads that carry relatively low traffic volumes in a sparsely populated area.

Impact. The proposed visual standards would not result in additional development potential, and will therefore not increase vehicle trips or reduce levels of service on existing public roadways.

The proposed amendment could potentially affect road access to the extent that development that is precluded from visible ridgetops might need to be relocated to other, less visible locations on a particular site that have potentially greater access and safety concerns. However, the proposed amendment includes exceptions to the prohibition on silhouetting of structures when alternative locations are infeasible or more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the potential impacts of alternative development locations could be evaluated, and any necessary mitigation measures required to address potential access concerns. Therefore, the proposed amendment will not result in limited or unsafe access or unsafe conditions on roads, or conflict with adopted policies.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Soil types within the project area are variable, so limitations for on-site wastewater systems might relate to poor filtering characteristics, slow percolation steep slopes, shallow depth to bedrock, floods, and wetness. These limitations are summarized as follows:

Poor Filtering Characteristics – due to the very permeable soil; without special engineering, larger separations will be required between the leach lines and the groundwater basin to provide adequate filtering of the effluent; to achieve compliance with the Central Coast Basin Plan, depth to groundwater information will need to be provided at the building permit stage.

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for

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the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent “daylighting” to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Wetness or High Groundwater – this characteristic occurs when the soil is frequently in a saturated condition, which could be due to several possible factors, such as high groundwater or a low-lying area that is being regularly fed by a water source. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g., high groundwater, etc.) that contains soil does not remain in a saturated condition for any length of time. Otherwise, special engineering will be required to provide this separation. Prior to building permit approval, it must be shown to the satisfaction of the County that future leach lines of a new septic system show that at least a five foot separation will exist between the bottom of the trench and the top of the high groundwater area. An engineered system may be required to achieve Basin Plan criteria.

Flooding – this characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. “Occasional” flooding refers to the area being flooded on the average once or less every two years. “Frequent” flooding refers to the area being flooded on the average once or more every two years.

Impact. The proposed visual standards will not result in any specific development or in additional development potential, and will therefore not directly affect wastewater systems or water quality.

The proposed amendment could potentially affect wastewater systems to the extent that development that is precluded from visible ridgetops might need to be relocated to other, steeper, less visible locations on a particular site that have potentially greater concerns with regard to locating septic systems. However, the proposed amendment includes exceptions to the prohibition on silhouetting of structures when alternative locations are infeasible or more environmentally damaging. In that case, a discretionary land use permit is required. As part of that permit, the potential impacts of alternative development locations could be evaluated, and any necessary mitigation measures required in order to address potential access concerns. In addition, future development will be required to meet standard ordinance and other requirements for septic systems. Therefore, the proposed amendment will not have an impact on wastewater systems or water quality.

Mitigation/Conclusion. No significant wastewater or water quality impacts were identified, and no mitigation measures are necessary. Future development will be required to meet standard ordinance and other requirements for septic systems. Leach lines will need to be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to issuance of building permits, septic systems will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

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14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The area affected by the proposed amendment primarily overlies the Villa, Cayucos and Toro Creek groundwater basins. Future development within the area would generally use on-site wells as the water source. According to the December 2003 Final Environmental Impact Report prepared for the Estero Area Plan update, the Villa, Cayucos and Toro Creek groundwater basins have a safe annual yield well in excess of projected future water demand.

The topography of the project area ranges from nearly level to very steeply sloping. The project area contains several major drainage systems and a number of smaller tributaries to these drainages; the creeks generally originate in the Santa Lucia Range and flow west, discharging into the Pacific Ocean. As described in the NRCS Soil Survey, most of the soil surfaces are considered to have moderate to high erodibility.

Impact. The proposed visual standards will not result in any specific development or in additional development potential, and will not affect water use, water demand, or water quality.

Mitigation/Conclusion. No potentially significant water quantity or quality impacts were identified, so no specific measures above standard requirements have been determined necessary. For future development, standard drainage and erosion control measures will be required and will provide sufficient measures to adequately protect surface water quality.

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15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be potentially inconsistent with any habitat or community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be potentially incompatible with surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed amendment was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County General Plan; refer also to Exhibit A on reference documents used). Referrals were sent to outside agencies to review for policy consistencies (e.g., Agricultural Commissioner for the *Agriculture and Open Space Element*, CDF for Fire Code).

The proposed amendment is consistent with Framework for Planning, Part I of the Land Use Element; in particular the General Goals to maintain and protect a pleasant environment, and to encourage protection of agricultural land. In addition, the amendment is consistent with the Guidelines for Amendments to the Land Use Ordinance, which include principles that development respect physical site constraints and be compatible with adjacent land uses.

The *Agriculture and Open Space Element* is the part of the County General Plan that is most applicable to this proposed amendment; in particular, the first goal, AG1. This goal includes provisions to not require permits for agricultural practices and improvements that are currently exempt, and to maintain the required level of permit processing for non-exempt projects at the lowest possible level, consistent with protection of agricultural resources and sensitive habitat. In order to be consistent with those provisions, the proposed visual standards--which apply within an area that is almost entirely within the Agriculture land use category--have been drafted so that they do not apply to agricultural and agricultural accessory structures that normally require ministerial approval or are exempt (or are 1,000 square feet in area or smaller). Without such an exemption, implementation of the proposed visual standards would require elevating permit levels for many agricultural structures in contradiction to AG1. The proposed visual standards have been drafted to be consistent with AG1, as recommended in attached comments from the Agricultural Commissioner

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The *Agriculture and Open Space Element* also includes policies that apply to scenic corridors (AGP 30, OSP 24, and OSP 25). However, those policies are not fully applicable to the proposed visual standards, which primarily target ridgetop development, but do not establish other standards within a defined corridor adjacent to roadways as is typical for a scenic corridor. The scenic corridor policies identify certain roads that should be studied to determine whether and where scenic corridors should be established, but with the exception of Highway 1, none of the roads listed in this proposed amendment are specified in the *Agriculture and Open Space Element* policies. In addition, implementation of those policies is intended to apply to discretionary development only, whereas these proposed visual standards apply to certain ministerial development as well (but not to agricultural structures that are exempt or require ministerial approval). However, the proposed visual standards are consistent with the intent of the scenic corridor policies to not interfere with agricultural uses on private lands, to be compatible with agricultural operations, and to balance protection of scenic resources with protection of agricultural resources and facilities.

The area affected by the proposed amendment is not within or adjacent to a Habitat Conservation Plan area. The proposed standards will not affect the types of uses that are allowable, only potential their design and location; therefore there will be no conflict with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. The amendment, as proposed, is not inconsistent with applicable plans and policies; therefore, no additional measures above what will already be required were determined to be necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	In File**
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Cayucos Citizens Advisory Council</u>	None
<input checked="" type="checkbox"/>	Other <u>Farm Bureau, Ag Liaison Committee</u>	None

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> Estero Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Estero Area Plan, Board of Supervisors-Approved Plan, November 2004: Coastal Zone Land Use Ordinance Amendments

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EXHIBIT C: CORRESPONDENCE

Cayucos

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CITIZENS ADVISORY COUNCIL

P.O. BOX 781 • CAYUCOS, CA 93430

May 8, 2005

Mike Wulkan, Senior Planner
Dept. of Planning & Building
County Government Center
San Luis Obispo, CA 93408

Mike:

On Wednesday, May 4, 2005, the CCAC met to discuss under Old Business of its agenda, the proposed County-initiated Land Use Ordinance Amendment: Adelaida Visual Standards; G020004N. After much discussion a consensus was reached to approve the document, with a motion for a minor modification.

That motion was moved and seconded to approve the entire document, but with the following changes under

Section 1: Chapter 22.92, under C, item 2 Applicability and

Section 2: Chapter 22.92, under D, item 2 Special Developments Standards

That each should state:

"The following standards apply to the following uses and activities; residential and residential accessory structures (including water tanks); agricultural and agricultural accessory structures ~~that are greater than 1,000 square feet in area~~, and . . . required by Land Use Ordinance to have a land use permit. "


Both should reflect the same wording for consistency

[motion was to remove strike throughs as noted above]

A roll call vote was taken, and the motion was approved by a vote of 9 ayes/2 nays.

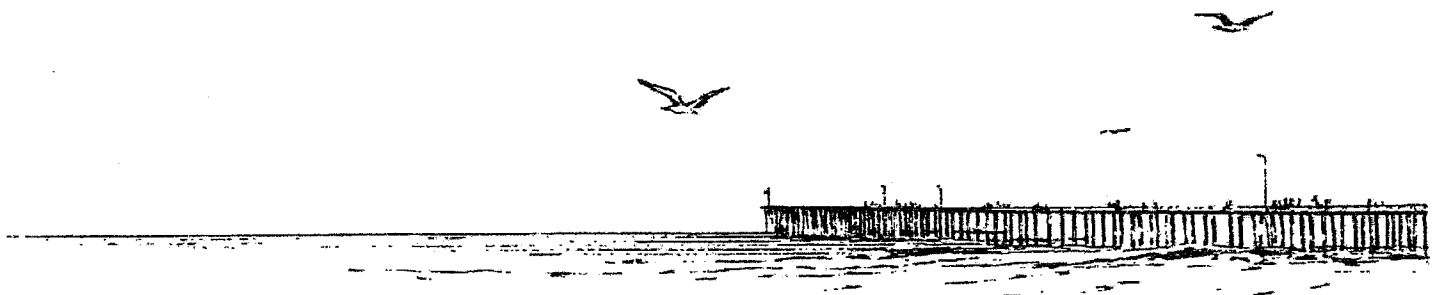
Should you have any other concerns regarding this please feel free to call or email. It is our understanding that this proposal should soon be moving forward for public hearings for the County Planning Commission and Board of Supervisors. Please keep the council informed of these scheduled hearings. We thank you for the opportunity to review and comment on the document.

Thank you


E J Carnegie
President

995-3659

ecarnegi@calpoly.edu





COUNTY OF SAN LUIS OBISPO

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Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: March 17, 2005

TO: Mike Wulkan, Senior Planner

FROM: Lynda L. Auchinachie, Agriculture Department JK

SUBJECT: Adelaida Visual Planning Area Standard LUO Amendment (0823)

Thank you for the opportunity to comment on the proposed Adelaida Visual Planning Area Standards.

The Agriculture and Open Space Element outlines goals and policies to preserve and protect agricultural resources and operations. One of the goals identified to support county agricultural production (AGP1) states the following:

“Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources and sensitive habitats.”

The proposed permit requirements for agricultural and agricultural accessory structures appear to be inconsistent with this goal as these structures are typically exempt from the land use process. For this reason, the Agriculture Department does not support the proposed new permitting requirements.

If you have any questions, please call 781-5914.



COUNTY OF SAN LUIS OBISPO

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Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

RECEIVED

FEB 01 2004

ending A Bldg

DATE: February 27, 2004

TO: Mike Wulkan, Senior Planner

FROM: Lynda L. Auchinachie, Environmental Resource Specialist JH

SUBJECT: Adelaida Planning Area Standard LUO Amendment (0823)

Summary

This abbreviated report responds to your request for comments on the proposed standards to protect scenic views in the Adelaida Planning Area.

A variety of production agricultural uses exist outside the area designated as Highway 1 Critical Viewshed. We recommend that the requirement for a Plot Plan for agricultural accessory structures be increased from 600 square feet to 1,000 square feet for these areas.

If you have questions, please call 781-5914.